IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 4TH JULY 2006 / 13TH ASHADA 1928

Bail Appl..No. 3973 of 2006(H)

CC.1035/2004 of J.M.F.C.,ALATHUR
CRIME NO.213/2004 OF NEMMARA POLICE STATION

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PETITIONERS/ACCUSED 1 & 2

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1. HARIDAS, S/O. VELU,
   ALAMBARATHOTTAM, NENMARA, PALAKKAD DISTRICT.

2. RAMESH, S/O. PONNAN,
   THEKKUMBURAM VEEDU, CHATHAMANGALAM,
   NENMARA, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING S.I. OF POLICE,
NENMARA IN CRIME NO.213/04.

BY PUBLIC PROSECUTOR SRI.T.K.KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 3973 of 2006

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Dated this the 4th day of July, 2006

O R D E R

The petitioners are accused Nos.1 and 2 in C.C.No.1035/2004 of Judicial First Class Magistrate Court, Alathur. They appeared before the court below and obtained bail. But they absconded. When the case was taken up on 21/06/2006, the bail was cancelled and non bailable warrant was issued. Hence the petitioners are before this Court under Section 438 Cr.P.C.

2. The submission of the counsel is that the case was adjourned from 19/12/2005 to 21/06/2006. The petitioners could not appear as the date was wrongly noted by the clerk as 22/06/2006. Therefore, they apprehends remand, if they appear before the court below.

3. Considering the submissions, I direct the petitioners to surrender before the Magistrate court and move application(s) for bail. The learned Magistrate shall release the petitioners, accused Nos.1 and 2, on bail, on imposing such conditions, which are deemed necessary.

(J.M.JAMES)
Judge

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